

Iowa Department of Natural Resources
Natural Resource Commission

ITEM

19

DECISION

TOPIC Emergency Final Rule: Chapter 91 - Waterfowl and Coot Hunting Seasons

NRC approval is requested to adopt a final rule to amend Chapter 91, "Waterfowl and Coot Hunting Seasons." These rules set regulations for hunting waterfowl and coot and include season dates, bag limits, possession limits, shooting hours, and designation of areas open to hunting. Season dates were adjusted to comply with federal law and to ensure that seasons are open on weekends.

A public hearing was held on April 29, 2008 and ten comments were received. Another six comments were received in writing. Comments included expressing appreciation for the addition of the new Waterloo/Cedar Falls urban zone and a request to expand the zone to the north edge of Waverly and include the Cedar River corridor between Waterloo/Cedar Falls and Waverly. There were also requests to reduce the waterfowl bag limit if it meant having a longer season; to expand the other urban goose zones; to reduce the limit for geese in the urban zone; to extend the goose season and requests to eliminate the statewide Canada Goose zones.

Federal regulations changes for hunting migratory game birds during the 2008-09 seasons allow the daily limit for wood ducks to be 3 (previously 2), allow a bag limit of 1 for scaup for the full 60-day season or 1 for 40 days and 2 for 20 days, and do not allow the taking of canvasbacks during the 2008-09 season. The proposed rules conform to the federal regulations and clarify who would be eligible to receive a license under a tenant or landowner permit.

This rule is adopted and filed on an emergency basis because the federal regulations have only recently been published and it is the Department's desire for these rules to be in effect for the 2008-2009 season.

Dale Garner, Wildlife Bureau Chief
Conservation and Recreation Division
August 14, 2008

Attachment: Emergency Final Rule: Chapter 91, Waterfowl and Coot Hunting Seasons

NATURAL RESOURCE COMMISSION[571]

Filed Emergency after Notice

Pursuant to the authority of Iowa Code section 455A.5, the Natural Resource Commission hereby amends Chapter 91 "Waterfowl and Coot Hunting Seasons," Iowa Administrative Code.

These rules set regulations for hunting waterfowl and coot and include season dates, bag limits, possession limits, shooting hours, and areas open to hunting. Season dates were adjusted to comply with federal law and to ensure that seasons open on weekends.

The amendments adjust season dates for calendar date changes; change bag limits for scaup, wood ducks, and canvasbacks pursuant to federal regulations, remove the statewide two-day September Canada goose season; add an urban Canada goose zone around Cedar Falls and Waterloo; add parents and grandparents to the list of people eligible to hunt Canada geese on a landowner's farm in areas closed to Canada geese hunting in Clay, Dickinson, Emmet, Jackson, and Butler Counties; and clarify who is eligible to hunt during the youth waterfowl season.

Notice of Intended Action was published in the Iowa Administrative Bulletin on April 9, 2008, as ARC 6697B. A public hearing was held on April 29, 2008. Ten comments were received. Another six comments were received in writing. Comments expressed appreciation for the addition of the new Waterloo/Cedar Falls urban zone and suggested the zone be expanded north to Waverly to include the Cedar River corridor between Waterloo/Cedar Falls and Waverly. Comments also suggested reducing the daily bag limit for ducks in order to increase the season length; expanding the urban goose zones; reducing the limit for geese in the urban goose zones; extending the duck season longer into December; extending the goose season longer into January; and eliminating the statewide Canada goose zones.

Changes from the Notice of Intended Action include Federal regulation changes for hunting migratory game birds during the 2008-2009 seasons which allow the daily limit for wood ducks to be 3 (previously 2), allow a bag limit of 1 for scaup for the full 60-day season or 1 for 40 days and 2 for 20 days, and do not allow the taking of canvasbacks during the 2008-09 season.

The Department finds, pursuant to Iowa Code section 17A.5(2)"b"(2), that the normal effective date of the amendment should be waived and this amendment should be made effective upon filing with the Administrative Rules coordinator, as it confers a benefit.

These amendments are intended to implement Iowa Code sections 481A.38, 481A.39 and 481A.48.

These amendments shall become effective August 20, 2008.

The following amendments are adopted.

ITEM 1. Amend subrules 91.1(2), 91.1(3) and 91.1(4) as follows:

91.1(2) Season dates - north zone. For all ducks: September ~~22~~ 20 through September ~~26~~ 24 and October ~~13~~ 18 through December ~~6~~ 11.

91.1(3) Season dates - south zone. For all ducks: September ~~22~~ 20 through September ~~26~~ 24 and October ~~20~~ 18 through December ~~13~~ 11.

91.1(4) Bag limit. The daily bag limit of ducks is 6 and may include no more than 4 mallards (no more than 2 of which may be females), 1 black duck, ~~2~~ 3 wood ducks, 1 pintail, ~~2~~ 3 scaup, 3 mottled ducks, ~~2 canvasbacks, and~~ 2 redheads, and 1 scaup, except during November 1 through November 20 when the daily limit for scaup is 2. No canvasbacks may be included in the daily bag; the canvasback season is closed. The daily bag limit of mergansers is 5, only 2 of which may be hooded mergansers.

ITEM 2. Amend subrules 91.3(2) and 91.3(3) as follows:

91.3(2) Season dates - north zone. Canada geese and brant: September ~~29~~ 27 through December ~~9~~ 5 and October 18 through December ~~21~~ 21 and December ~~15~~ 27 through January ~~4~~ 11, ~~2008~~ 2009. White-fronted geese: September ~~29~~ 27 through December ~~9~~ 7. Light geese (white and blue-phase snow geese and Ross' geese): September ~~29~~ 27 through January ~~13~~ 11, ~~2008~~ 2009.

91.3(3) Season dates - south zone. Canada geese and brant: September ~~29~~ 27 through October ~~7~~ 5 and October ~~20~~ 18 through December ~~21~~ 21 and December ~~27~~ 27 through January ~~8~~ 11,

~~2008~~ 2009. White-fronted geese: September ~~29~~ 27 through December ~~9~~ 7. Light geese (white and blue-phase snow geese and Ross' geese): September ~~29~~ 27 through January ~~43-11~~, ~~2008~~ 2009.

ITEM 3. Amend subrule 91.3(7), introductory paragraph, as follows:

91.3(7) Light goose conservation order season. Only light geese (white and blue-phase snow geese and Ross' geese) may be taken under a conservation order from the U.S. Fish and Wildlife Service from January ~~44~~ 12, ~~2008~~ 2009, through April 15, ~~2008~~ 2009.

ITEM 4. Rescind and reserve subrule 91.3(8).

ITEM 5. Adopt **new** subrule 91.3(11) as follows:

91.3(11) Cedar Falls/Waterloo goose hunting zone.

a. Season dates. September 1 through September 15.

b. Bag limit. Daily bag limit is 5 Canada geese.

c. Possession limit. Twice the daily bag limit.

d. Zone boundary. The Cedar Falls/Waterloo goose hunting zone includes those portions of Black Hawk County bounded as follows: Beginning at the intersection of County Roads C66 and V49 in Black Hawk County, thence south along County Road V49 to County Road D38, thence west along County Road D38 to State Highway 21, thence south along State Highway 21 to County Road D35, thence west along County Road D35 to Grundy Road, thence north along Grundy Road to County Road D19, thence west along County Road D19 to Butler Road, thence north along Butler Road to County Road C57, thence north and east along County Road C57 to U.S. Highway 63, thence south along U.S. Highway 63 to County Road C66, thence east along County Road C66 to the point of beginning.

ITEM 6. Amend subrule 91.5(1), paragraph "b," subparagraph (9), as follows:

(9) Permits will be issued only to individual landowners or tenants; however, permit holders must specify, when requesting a permit, the names of all other individuals qualified to hunt on the permit. Individuals qualified to hunt on the permit shall include the landowners or tenants and their spouses, domestic partners, parents, grandparents, children, children's spouses, grandchildren, siblings and siblings' spouses only.

ITEM 7. Amend rule 571--91.6(481A) as follows:

571--91.6(481A) Youth waterfowl hunt. A special youth waterfowl hunt will be held on October ~~6~~ 4 and ~~7~~ 5, ~~2007~~ 2008, in the north duck hunting zone and October ~~6~~ 4 and ~~7~~ 5, ~~2007~~ 2008, in the south duck hunting zone. Youth hunters must be residents of Iowa as defined in Iowa Code section 483A.1A and less than 16 ~~15~~ years old ~~or younger~~. Each youth hunter must be accompanied by an adult 18 years old or older. The youth hunter does not need to have a hunting license or stamps. The adult must have a valid hunting license and habitat stamp if normally required to have them to hunt and a state waterfowl stamp. Only the youth hunter may shoot ducks and coots. The adult may hunt for any other game birds for which the season is open. The daily bag and possession limits are the same as for the regular waterfowl season, as defined in rule 91.1(481A). All other hunting regulations in effect for the regular waterfowl season apply to the youth hunt.

Date

Richard A. Leopold, Director